cd



# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
08/797,079	02/10/1997	CRAIG ALAN BENNETT	AT9-97-044	9785	
7	590 05/01/2002				
DUKE W. YEE			EXAMINER		
CARSTENS YEE & CAHOON, LLP P.O. BOX 802334 DALLAS, TX 75380			DINH, DUNG C		
			ART UNIT	PAPER NUMBER	
			2153	2153 DATE MAILED: 05/01/2002	
			DATE MAILED: 05/01/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application   Application			$\triangle a$				
Examiner Dung Dinh 2153  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.108(d), in no event, however, may a reply be timely filled  If the period for reply specified above, the incommon standary priod will apply and will expire SK (0) MONTH3 incen the mailing date of this communication.  If the period for reply specified above, the incommon standary priod will apply and will expire SK (0) MONTH3 incen the mailing date of this communication of this (0) dispay will be considered timely.  If the period for reply specified above, the incommon standary priod will apply and will expire SK (0) MONTH3 incen the mailing date of this communication.  Any reply received by the Office inter than bethe monible and the thin mailing date of this communication.  Any reply received by the Office inter than bethe monible and the thin mailing date of this communication.  Any reply received by the Office internation between the thin the mailing date of this communication.  Any reply received by the Office internation between the thin mailing date of this communication.  Any reply received by the Office internation and the mailing date of this communication.  Any reply received by the Office internation and reply and the priod of th	,	Application No.	Applicant(s)				
Durg Dinh  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified down is less then thity (30) days, at reply within the catalogy minimum of theirs (30) days will be considered timely.  If the period for reply specified are the intermination of the period for reply specified are the state (30) days, at reply within the catalogy minimum of theirs (30) days will be considered timely.  If the period for reply specified are the intermination of the period for reply specified and the communication.  If the period for reply specified are the intermination of the period of reply specified and the communication.  If the period for reply specified are the intermination of the period of the communication, even if timely filed, may reduce any search period to the communication of the period of the communication, even if timely filed, may reduce any search period of the communication of the specified are defined on the period of the communication, even if timely filed, may reduce any search period of the communication of the period of the period of the period of the communication of the period of the per		08/797,079	BENNETT, CRAIG ALAN				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edamicinos for the map be a existed used the approximant of JCRF 1.136(a). In or event, however, may a reply be timely filed  Ethic period for reply a specified above is less then thinly (30) ears, as reply within the statutory minimum of thinky (30) easy will be considered timely.  If the period for reply is specified early then mainting statutory period will appear and unleque is 20(MONTHS from the maining date of this communication.  Feature to reply within the set or estanded period for reply will, by datables, cause the application to become AbANCHO (30 43 - 33).  Responsive to communication(s) filed on 15 February 2002.  Status  1) Responsive to communication(s) filed on 15 February 2002.  2a) This action is FINAL.  2b) This action is ron-timely filed.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1,3-10.12.14-17.21-25 and 31-39 is/are pending in the application.  4) Of the above claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are allowed.  7) Claim(s) is/are allowed.  9) The specification is objected to by the Examiner.  Application Papers  9) The proposed drawing correction filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The proposed drawing correction filed on is/are: a) approved by disapproved by the Examiner.  1 propried on the development is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) All b) Some colon to the drawing correction filed on is/are allowed.  2 Certified copies of the priority documents have been received in his National Stage application from th	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extractions of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  - Extraction of time may be available under the provisions of 37 CFR 1.35(b). In no event, however, may a reply be timely filed  - Extraction of the major be available under the provisions of 37 CFR 1.35(b). In no event, however, may a reply be timely filed  - Extraction of the major is pecified abover, he maximum statutory pariet will apply and wall argue SIX (b) MONTHS from the major gale of this communication.  - If NO paried for reply is specified abover, he maximum statutory pariet will apply and wall argue SIX (b) MONTHS from the major gale of this communication.  - If NO paried for reply is specified abover, he maximum statutory pariet will apply and wall argue SIX (b) MONTHS from the major gale of this communication.  - Application is FINAL.  - 20   This action is FINAL 20   This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parie Queryle, 1935 C.D. 11, 453 O.G. 213.    Disposition of Claims							
THE MAILING DATE OF THIS COMMUNICATION.  Edatination of time may be available under the provision of 3 CPR 1.13(6). In no event, however, may a reply be timely filed of the SIX (6) MONTIS from the mailing date of this communication.  It NO series from the mailing date of this communication.  It NO series for reply in specific from the mailing date of this communication.  It NO series for reply in specific date bows, the maximum studency period will apply and will expect styck (9) MONTIS from the mailing date of this communication.  Failure to reply within the set of extended period for reply will, by statute, cause the application to become ARANDONED (35 U.S.C. § 133).  Any reply receive by the Office date than there mornish after the mailing date of this communication, even if timely filed, may reduce any seamed placent term eligibilities.  Status  1) Responsive to communication(s) filled on 15 February 2002.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1,3-10.12.14-17.21-25 and 31-39 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 1,3-10.12.14-17.21-25.31-39 is/are rejected.  7) Claim(s) is/are allowed.  8) Claim(s) 1,3-10.12.14-17.21-25.31-39 is/are rejected.  8) The drawing(s) filed on is/are allowed.  10) The drawing(s) filed on is/are: all accepted or bl objected to by the Examiner.  10) The drawing(s) filed on is/are: all accepted or bl objected to by the Examiner.  11) The proposed drawing correction filed on is/are: all approved by definition allowance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is/are: all approved by definition is objected to by the Examiner.  12) The oath or declaration is objected to by the Examiner.  12) The oath or declaration is objected to by the Examiner.  13) A	• •	pears on the cover sheet with the c	orrespondence address				
2a)  This action is FINAL. 2b)  This action is non-final.  3	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period versions of the reply within the set or extended period for reply within the set or extended period for reply will, by statute, any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be tin y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s) 1.3-10.12.14-17.21-25 and 31-39 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5   Claim(s) is/are allowed.  6   Claim(s) is/are allowed.  6   Claim(s) is/are objected to.  8   Claim(s) are subject to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner.  10   The drawing(s) filed on is/are: a   accepted or b   objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11   The proposed drawing correction filed on is: a)   approved b   disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12   The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All   b   Some * c   None of:  1   Certified copies of the priority documents have been received.  2   Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)   The translation of the foreign language provisional application has been received.  15   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  **Attachment(e)   Interview Summary (PTO-413) Paper No(e)  20   Notice of References Cited (PTO-892)  5   Notice of Informal Patent Application (PTO-1	1)⊠ Responsive to communication(s) filed on <u>15 F</u>	<u> February 2002</u> .					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)	2a)⊠ This action is <b>FINAL</b> . 2b)□ Th	is action is non-final.					
4)  Claim(s) 1,3-10.12,14-17,21-25 and 31-39 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are allowed.  7)  Claim(s) is/are objected to.  8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10  Interview Summary (PTO-413) Paper No(s)  21  Notice of References Cited (PTO-892)  22  Notice of Informal Patent Application (PTO-152)	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) ☒ Claim(s) is/are allowed.  7) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to.  8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) □ The translation of the foreign language provisional application has been received.  15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10 □ Notice of References Cited (PTO-892)  20 □ Notice of Informal Patent Application (PTO-152)	•	are pending in the application					
5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.	,						
6) Claim(s) 1,3-10,12,14-17,21-25,31-39 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All   b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  Under Service of References Cited (PTO-892)  2) Notice of Informal Patent Application (PTO-152)		wn from consideration.					
7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  Attachment(s)  1) Notice of References Cited (PTO-992)  2) Notice of Informal Patent Application (PTO-152)	<u> </u>						
8 Claim(s) are subject to restriction and/or election requirement.  Application Papers  9 The specification is objected to by the Examiner.  10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Informal Patent Application (PTO-152)							
Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a\  accepted or b\  objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a\  approved b\  disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a\  All b\  b\  Some * c\  None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a\  The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  Notice of Informal Patent Application (PTO-152)	<u>,                                     </u>						
9 The specification is objected to by the Examiner.  10 The drawing(s) filed on is/are: a  accepted or b  objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b  disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b  Some * c  None of:  1	· · · · · · · · · · · · · · · · · · ·	r election requirement.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Informal Patent Application (PTO-152)	·· _	r					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	•		miner				
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  10 Interview Summary (PTO-413) Paper No(s)							
If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some col None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  Notice of Informal Patent Application (PTO-152)							
12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)  Notice of Informal Patent Application (PTO-152)							
Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)  5) Notice of Informal Patent Application (PTO-152)							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)  5) Notice of Informal Patent Application (PTO-152)	,						
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)		n priority under 35 U.S.C. § 119(a	n)-(d) or (f).				
1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  1 Interview Summary (PTO-413) Paper No(s)			, , , ,				
2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  1 Interview Summary (PTO-413) Paper No(s)  Notice of Informal Patent Application (PTO-152)	,_ ,_ ,	s have been received.					
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  1 Interview Summary (PTO-413) Paper No(s).  5) Notice of Informal Patent Application (PTO-152)							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  Attachment(s)  4) Interview Summary (PTO-413) Paper No(s)  5) Notice of Informal Patent Application (PTO-152)	3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).						
a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  4) Interview Summary (PTO-413) Paper No(s)  5) Notice of Informal Patent Application (PTO-152)		•					
Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	a) The translation of the foreign language provisional application has been received.						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)		<b></b>					
	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal					

Application/Control Number: 08/797,079

Art Unit: 2153

#### DETAILED ACTION

## Response to Arguments

Applicant's arguments filed 2/15/2002 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant argued that the present invention is "directed towards dividing file into plurality of components files and, when a download sequence is interrupted, restarting the download with the piece affected by the interruption". Applicant further argued that the combination of Kauffman and Averbuch would result in "a method for downloading a file, in which the file is divided into a plurality of piece files ..., when transfer of one of the piece files is interrupted, the number of blocks remaining is used to restart the transfer of the piece file."

Page 3

Application/Control Number: 08/797,079

Art Unit: 2153

The examiner failed to see how this reading of the combination is distinguished from the claimed invention. Clearly, even as argued by Applicant, the combination teaches dividing a file into piece files, restarting download of the piece file that was interrupted, and combining the piece files after downloading to reconstruct the file. There is no rationale in Kauffman or Averbuch to support applicant argument that the combination would result in Kauffman restarting the download by transferring every piece files including the one already downloaded.

As per the argument concerning the Pyne reference, the argument is not persuasive because Pyne clearly teaches dividing file into "blocks" and providing a reference key (CRC) for each block [see for example Pyne's claim 1 step a)].

#### Conclusion

All pending claims are rejected as stated in the prior office action (paper #16).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

Page 4

Application/Control Number: 08/797,079

Art Unit: 2153

action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

# Any response to this final action should be mailed to:

#### Box AF

Commissioner of Patents and Trademarks Washington, DC 20231

### or faxed to:

- (703) 746-7238, (for formal communications; please mark "EXPEDITED PROCEDURE")
- (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Application/Control Number: 08/797,079

Art Unit: 2153

Page 5

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA, Fourth Floor (Receptionist).

Dung Dinh

Primary Examiner April 25, 2002